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**REPORT ON THE
FILING OR DETERMINATION OF AN
ACTION REGARDING A PATENT OR
TRADEMARK**

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been

filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 08-01735 JCS	DATE FILED 4/1/08	U.S. DISTRICT COURT 450 Golden Gate Avenue, 16 th Floor, Box 36060, S.F. CA 94102
PLAINTIFF MAQUET CARDIOVASCULAR, L.L.C.		DEFENDANT TERUMO CORPORATION, ET AL.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 R 36,043		*PLEASE SEE ATTACH COMPLAINT*
2 6,830,546		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wicking	(BY) DEPUTY CLERK Gina Agustine-Rivas	DATE April 2, 2008
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAQUET CARDIOVASCULAR, L.L.C., a
Delaware L.L.C.,

Plaintiff,

v.

TERUMO CORPORATION, a Japanese
corporation and TERUMO
CARDIOVASCULAR SYSTEMS
CORPORATION, a Delaware corporation,

Defendants.

ORIGINAL
FILED

08 APR -1 AM 9:26

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIF.

E-FILING

ADR

I hereby certify that the annexed
instrument is a true and correct copy
of the original on file in my office.

ATTEST:
RICHARD W. WIEKING
Clerk, U.S. District Court

Northern District of California

By GINA AGUSTINE-RIVAS
Deputy Clerk

Date 4/4/08

No. **C08 01735 JCS**

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

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Jurisdiction

4. This Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

5. This Court has personal jurisdiction over Defendant Terumo Corporation based upon, but not limited to, its minimum contacts with this state and/or the activities of TCS, which operates as Terumo Corporation's general agent, in this state. On information and belief, Terumo's accused products are and have been sold in California.

6. This Court has personal jurisdiction over Defendant TCS based upon the physical presence of its Tustin manufacturing facility in this state and its economic activities conducted in and/or directed at this state. On information and belief, Terumo's accused products are and have been sold in California.

Venue and Intra-district Assignment

7. Venue is proper in this division pursuant to 28 U.S.C. §§ 1391(d) and 1400(b) because defendants are subject to personal jurisdiction in this judicial district, having conducted business and committed acts of infringement in this judicial district, and/or are aliens subject to suit in any district.

8. Per Civil Local Rule 3-2(c), this patent infringement action may be assigned on a district-wide basis. Maquet, which has its principal place of business in San Jose, California, requests that this matter be assigned to the San Jose Division.

Background

9. Maquet is the owner of all right, title and interest, by assignment, of U.S. Patent No. Re. 36,043 (“the ‘043 Patent”), entitled “Endoscope and Method for Vein Removal” and attached as Exhibit A hereto, and U.S. Patent No. 6,830,546 (“the ‘546 Patent”), entitled “Device and Method for Remote Vessel Ligation” and attached as Exhibit B hereto (collectively, the “Patents in Suit”).

10. The Patents in Suit involve innovative technology that allows for a minimally invasive technique for harvesting healthy blood vessels from a patient for use in other parts of

1 the patient's body, such as in heart bypass surgery, or for use in another patient's body. This is
2 an improvement over conventional vein harvesting methods, including making a long incision
3 along the full length of the vein section for removal. The technology described and claimed in
4 the Patents in Suit allows for a vessel section to be harvested through one or more small
5 incisions, thereby obviating the need to make a long incision along the full length of the vessel
6 section. Among the benefits of this technology is that it reduces trauma and recovery time for
7 the patient.

8 11. Maquet develops, manufactures, markets, and sells or has sold endoscopic vein
9 harvesting products that use this innovative technology, including: VasoView® HemoPro™,
10 VasoView® 7xB™, VasoView® 7xS™, VasoView® 6, VasoView® 5, VasoView® 4, and
11 other products having similar configurations ("the VasoView® Products").

12 12. On information and belief, Terumo Corporation uses, imports, distributes, sells,
13 and/or offers for sale, including in the United States and in this Judicial District in the State of
14 California, the VirtuoSaph™ Endoscopic Vein Harvesting System ("VirtuoSaph™") and/or
15 components thereof. Such conduct infringes Maquet's rights in and to the Patents in Suit.

16 13. TCS uses, imports, distributes, sells, and/or offers for sale, including in the United
17 States and in this Judicial District in the State of California, the VirtuoSaph™ product and/or
18 components thereof. On information and belief, TCS maintains a network of subsidiaries, sales
19 branches, and/or third party distributors that offers to sell and have sold the VirtuoSaph™
20 product in the United States. Such conduct infringes Maquet's rights in and to the Patents in
21 Suit.

22 14. The VasoView® Products have been marked with the numbers of the Patents in
23 Suit.

24 **FIRST CAUSE OF ACTION**
25 **(Infringement of U.S. Patent No. Re. 36,043)**

26 15. Maquet repeats and incorporates by reference the allegations contained in the
27 paragraphs above.

28 16. Terumo Corporation and TCS, through their using, importation, selling, and

1 offering for sale of the VirtuoSaph™ product in the United States, have infringed and continue to
2 infringe the '043 Patent directly, contributorily, and/or by inducement, either literally or under
3 the doctrine of equivalents, in violation of 35 U.S.C. § 271.

4 17. Maquet has suffered damages due to the acts of infringement by the Terumo
5 defendants in an amount to be established at trial.

6 18. The Terumo defendants' infringement has been willful and deliberate.

7 19. Unless enjoined by this Court, Terumo Corporation and TCS will continue to
8 infringe '043 Patent, and Maquet will suffer damages and irreparable harm.

9 **SECOND CAUSE OF ACTION**
10 **(Infringement of U.S. Patent No. 6,830,546)**

11 20. Maquet repeats and incorporates by reference the allegations contained in the
12 paragraphs above.

13 21. Terumo Corporation and TCS, through their using, importation, selling, and
14 offering for sale of the VirtuoSaph™ product in the United States, have infringed and continue to
15 infringe the '546 Patent directly, contributorily, and/or by inducement, either literally or under
16 the doctrine of equivalents, in violation of 35 U.S.C. § 271.

17 22. Maquet has suffered damages due to the acts of infringement by the Terumo
18 defendants in an amount to be established at trial.

19 23. The Terumo defendants' infringement has been willful and deliberate.

20 24. Unless enjoined by this Court, Terumo Corporation and TCS will continue to
21 infringe the '546 Patent, and Maquet will suffer damages and irreparable harm.

22 **Prayer for Relief**

23 25. WHEREFORE, Maquet requests that the Court enter judgment in its favor and
24 against Terumo as follows:

25 (a) Granting a preliminary and permanent injunction enjoining Terumo
26 Corporation and TCS, and each of their respective officers, agents, representatives, distributors,
27 employees, affiliates, parent and subsidiary corporations, and all those in privity or acting in
28 concert with them, from further infringing, contributing to and/or inducing the infringement of

1 the Patents in Suit;

2 (b) Awarding compensatory damages to Maquet, including but not limited to
3 lost profits and/or a reasonable royalty, according to proof at trial;

4 (c) Awarding treble damages to Maquet, including pursuant to 35 U.S.C. § 284;

5 (d) Awarding attorneys' fees to Maquet, including pursuant to 35 U.S.C. § 285;

6 (e) Awarding such other relief as the Court deems just and proper.

7 Dated: April 1, 2008

8 BINGHAM McCUTCHEN LLP

9
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11 By: _____

James Snell
Attorneys for Plaintiff
MAQUET CARDIOVASCULAR, L.L.C.

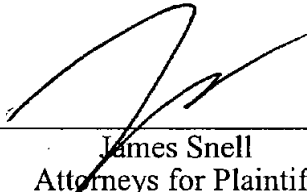
Jury Trial Demanded

Plaintiff Maquet Cardiovascular, L.L.C. hereby demands a jury trial on all issues triable to a jury in this action.

Dated: April 1, 2008

BINGHAM McCUTCHEN LLP

By: _____


James Snell
Attorneys for Plaintiff
MAQUET CARDIOVASCULAR, L.L.C.